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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,265	01/23/2004	Katsuhiko Maeda	247826US2	5783
22850	7590	07/12/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, HUAN HUU	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,265

Applicant(s)

MAEDA, KATSUHIKO

Examiner

Huan H. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2 and 16-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species (ii), claims 3-15, in the reply filed on 04/20/2006 is acknowledged. The traversal is on the ground(s) that search and examination of the entire application would not place a serious burden on the Examiner. This is not found persuasive because the traversal remark is a mere statement of conclusion without any supporting evidence. The different search queries that would be required for the different inventions as characterized in the restriction requirement is an indication of serious burden. MPEP 808.02.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-2, 16-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/20/2006.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on 4 applications filed in Japan on 01/23/2003, 02/21/2003, 03/11/2003, and 12/24/2003. It is noted, however, that applicant has not filed a certified copy of the foreign priority application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Suzuki et al. (US Patent 6909736).

As to claim 3, Suzuki et al. discloses an optical recording apparatus for use in a color image forming apparatus, comprising:

a light source which sequentially emits a plurality of light beams (1A,1A',1B, 1B' in Fig. 2A) corresponding to basic color elements of a full color image;

a scanning mechanism (polygon mirror 4 in Fig. 2) configured to independently reform the plurality of light beams emitted by the light source into respective cyclic scanning light beams to sequentially scan in a main scanning direction a photosensitive surface (8A,8A',8B,8B') moving in a sub-scanning direction; and

a phase shift controlling mechanism (PLL 705 in Fig. 7A at Col. 19, lines 25-50) configured to perform an image magnification correction by a phase change for changing a phase of pixel clock signal in units of one n th of a cycle of the pixel clock signal at one or more positions on the photoconductive surface in the main scanning direction, n being an integer greater than one, and the pixel clock signals being used for a control of the light source to turn on and off each of the cyclic scanning light beams in accordance with each of the basic color elements of the full color image.

As to claim 4, Suzuki discloses that the phase shift controlling mechanism performs the image magnification correction based on a signal representing an image deviation in the main

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scanning direction transmitted from the image forming apparatus (deviation data from table 704). See Col. 19, lines 7-24.

As to claim 6, it is seen in Col. 19, lines 7-50 that the phase shift controlling mechanism performs the image magnification correction based on the time difference measured by the time measuring mechanism and a signal representing an image deviation in the main scanning direction transmitted from the image forming apparatus.

As to claims 7 and 8, it is seen in Suzuki et al., Col. 19, lines 7-50 that the pixel clock frequency controlling mechanism (705) configured to change a frequency of the pixel clock signals in steps of a predetermined frequency value to perform the image magnification correction in collaboration with the phase shift controlling mechanism, controlling mechanism performs a portion of the image magnification correction smaller than the predetermined frequency value.

As to claim 9, it is seen that Suzuki et al. discloses that the scanning mechanism comprises at least one light deflecting mechanism (polygon mirror 4), each comprising a plurality of light deflecting surfaces configured to move to deflect each one of the plurality of light beams emitted by the light source to reform it into corresponding one of the respective cyclic scanning light beams, and the detecting mechanism (701, 702) performs the beam detection per each of the plurality of light deflecting surfaces and the time measuring mechanism (703) performs the time measurement per each of the plurality of light deflecting surfaces, and the phase shift controlling mechanism (705) performs the image magnification correction based on

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the time measurement performed per each of the plurality of light deflecting surfaces by the time measuring mechanism.

As to claims 10 and 11, Suzuki et al. teaches the limitation "wherein the beam detection by the detecting mechanism and the time measurement by the time measuring mechanism are carried out when the plurality of light deflecting surfaces is restarted after being stopped from moving or changed to move at a different moving rate" and the limitation "wherein the beam detection by the detecting mechanism and the time measurement by the time measuring mechanism are carried out when the light source is again activated after being inactivated and emitting no light beam" See Col. 20, lines 13-25.

As to claim 15, it is seen in Fig. 7A of Suzuki et al. that one of the two detecting positions for the detecting mechanism is located close to a starting edge of an effective image area and a different one of the two detecting positions is located close to an ending edge of the two ends of the effective image area.

As to claims 13 and 14, it is seen that Suzuki et al. read on the limitation " wherein the time measurement and the image magnification correction are performed in a cyclic manner by the time measuring mechanism and the phase shift controlling mechanism, respectively, during one of an image forming process and when the plurality of light deflecting are moving in a steady state to emit the plurality of light beams" and the limitation " wherein a cycle of the time measurement performed by the time measuring mechanism is changeable". See Col. 19, line 7 to Col. 20, line 25.

Allowable Subject Matter

6. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach or suggest the limitation "wherein a time measurement on a specific light deflecting surface out of the plurality of light deflecting surfaces performed by the time measuring mechanism is regarded as a reference time measurement, and the phase shift controlling mechanism performs the image magnification correction with respect to each one of other light deflecting surfaces than the specific light deflecting surface out of the plurality of light deflecting surfaces based on a difference of a corresponding time measurement from the reference time measurement"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on T-F from 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on (571) 272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Huan H. Tran
Primary Examiner
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hht
07/07/06